

N.D.A.G. Letter to Schaible (Feb. 26, 1988)

February 26, 1988

Mr. Robert Schaible
Deputy Secretary of State
State Capitol
Bismarck, ND 58505

Dear Mr. Schaible:

Thank you for your letter of February 24, 1988, inquiring as to whether the Virgil Hill fight must be governed by the administrative rules enacted by the Secretary of State.

North Dakota law, as found at N.D.C.C. § 53-01-16, states that the Secretary of State shall make rules and regulations to govern the holding of amateur and professional boxing exhibitions within the State of North Dakota. This particular statute is found within N.D.C.C. ch. 53-01.

North Dakota law as found at N.D.C.C. § 53-01-07, states that the provisions of this chapter (53-01) do not apply to any boxing exhibition the net proceeds of which are to be devoted to charitable purposes. As the requirement that amateur and professional boxing exhibitions occurring within North Dakota must be governed by the administrative rules enacted by the Secretary of State is a provision of N.D.C.C. ch. 53-01, such provision would not apply to a boxing exhibition the net proceeds of which are to be devoted to charitable purposes. Assuming the Virgil Hill boxing exhibition is one in which the net proceeds are to be devoted to charitable purposes, such exhibition would not be subject to the administrative rules of the Secretary of State enacted pursuant to N.D.C.C. § 53-01-16.

Sincerely,

Nicholas J. Spaeth

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